



# Congressional Record

PROCEEDINGS AND DEBATES OF THE **107<sup>th</sup>** CONGRESS, SECOND SESSION

WASHINGTON, MONDAY, DECEMBER 17, 2001

## *Senate*

### **NO CHILD LEFT BEHIND ACT OF 2001**

Mr. CARPER. Mr. President, I begin by thanking Senator KENNEDY for his kind words. A year ago this month, I was privileged to be in Austin, TX, at the Governor's house for a fellow who had that day stepped down as Governor of Texas and was about to become President of the United States.

There were any number of Senators present that day, a number of Representatives from the U.S. House of Representatives, and one sitting Governor--that was me. Absent from those in attendance that day was Senator Kennedy.

We spent the better part of an afternoon discussing with the new President-elect what kind of changes we should make to the educational system in our country. I remember returning from that meeting, that extended discussion, and calling Senator KENNEDY on the phone to share with him a little bit of what took place in his absence.

I recall reading almost a year ago there were some in this city who were saying education reform would be at the forefront of the President's agenda, and that a good deal of it would take place with or without the involvement of the ranking member and now chairman of the committee, Senator Kennedy.

As it turns out, Senator Kennedy ended up being in the center of the action. He and his staff helped to shape, in no small part, the agenda. I want to express my thanks to him for his support and his acceptance of provisions offered by Senator Gregg and

myself with respect to public school choice and charter schools.

I say to Senator Gregg, who is present today, how much I appreciate the opportunity to be his ally, to make sure that as we assess the schools in this country and provide leadership in Washington, we not only support the States in establishing strong standards and assessing student performance, but also empower parents by giving them greater choices as to where their children will go to school.

I want to mention a few others who played an important role in shaping this bill and in supporting the measures that Senator Gregg and I advanced with respect to public school choice and charter schools. We have already heard from Senator Bayh. Later, I suspect we will hear from Senator Lieberman, Senator Landrieu, and Senator Frist, all of whom played an incredibly important part in the conference and in the debate on this legislation. I want to also recognize a few of my old colleagues in the House of Representatives, including Chairman Boehner and Congressman Miller, who have been mentioned, as well as some Members who have not been mentioned. To Mike Castle from Delaware, Tim Roemer of Indiana, Rob Andrews from New Jersey, and Heather Wilson of New Mexico, I want to say a special thanks for the great work they have done to give us a solid compromise. And I take my hat off to the President. He has made this his primary initiative coming out of the starting block

and has done wonderful work, along with Sandy Kress, Margaret Spelling, and others from the White House staff.

If I could draw a rough analogy to a war going on on the other side of the world, the military campaign in Afghanistan, we are providing more money for our military operations. We are saying to those leading that operation: We will give you significant flexibility in how you use the resources. We will not try to micromanage the war from Washington. But we are going to hold you accountable for results.

If you think about this legislation, in an effort to ensure better results from our schools in America, we have agreed with the President to provide more money for our schools. We have agreed to provide that money with greater flexibility to be used in our schools as our school leaders at the local level believe is best suited to raise student achievement. And we have agreed that, while we will provide that money, more money with greater flexibility, we will demand results. We will not throw good money after bad. We want results. There will be consequences for those schools that do well and consequences for those that do not.

That is the basic compact at the heart of this legislation--greater funding and greater flexibility in exchange for greater accountability for results. Beyond this, we have added measures to target federal dollars where the need is the greatest. We have also included report cards for parents, report cards that will give them the information they need to assess the performance of the schools their children attend. We do this because we want to empower parents to make choices for their children and we want to bring market forces to bear, competition to bear, within our public schools.

If we had debated this legislation 6, 7, 8,

or 9 years ago, we might have come at it in a different way. A decade or so ago, I know of no State which had adopted rigorous academic standards--no State that had spelled out what they expected their children to know and be able to do in reading, writing, math, and social studies. Today, all but one State in America has adopted rigorous academic standards, spelling out what they expect their students to know. A decade or so ago, we didn't have States that had developed tests to measure student progress. Today, over half the States have developed those tests. In my State and other States, we measure student progress each and every year. A decade or so ago, we did not have accountability systems in place. We did not have systems in place that said we will hold schools accountable and responsible: for those that meet the grade, there are certain rewards; for those that do not, there are certain consequences. Today, almost half the States in America have adopted accountability systems.

A decade or so ago, if we had taken this legislation up, we would probably have said: The Federal Government should write the standards; we are smart enough in Washington to write the standards and impose those on the States. We have not done that in this legislation. This legislation acknowledges that the States have spent a lot of time, effort, and energy with the input of some of the best and brightest teachers, business leaders, and scientists--working to develop their own academic standards to measure student progress. In this legislation we say to the States: You develop the standards, you determine how quickly you will move over the next 12 years to get up to those standards, but once you have done that, we will hold you responsible for moving all kids up to the standards--kids from the best communities, with the highest per capita income, as well as those from the

toughest communities.

A decade or so ago, we might have provided the money and said to our schools and school districts: By the way, here is the money, and this is exactly how you have to spend it. We don't do that in the context of this legislation. We say: Here is extra money. Roughly half the money we will provide will be provided in ways that give you more flexibility. If it makes more sense to use the for before- or afterschool programs, do that. If it makes more sense to use the money to provide full day kindergarten, do that. Or for prekindergarten training, do that. But in the end, however you decide to use the resources, we want and demand results.

Now, let me talk briefly about public school choice and charter schools. In the State of Delaware, as Governor, I signed into law legislation making Delaware the first State to go to statewide public school choice. I will never forget hearing a conversation between school administrators shortly after we signed that legislation into law. One administrator was heard saying: If we do not offer students and parents what they want in our schools, they will go somewhere else. If we don't offer students and parents what they want in our schools, they will go somewhere else. In Delaware, they can do that. They take the money to another school. The money from the State taxpayer follows the students. We have injected competition and market forces into our public schools in ways that might have seemed impossible half a dozen years ago.

The legislation we are debating, and will hopefully pass this week, says there will be consequences flowing from the annual tests given in grades 3 through 8. Among the consequences of a school failing to make progress toward their own standards, at the rate they have said they will make it, is that parents are given an alternative. We will

provide assistance to help turn around the school, but public school choice becomes an option for parents after that second year that the school fails to make adequate progress. Transportation money is also provided so that a student can actually go from school A to school B if that is where they want to go. If school B gives a better education, the transportation money to get that child from school A to school B must be provided. Having dealt as Governor with public schools through the turmoil of public school choice and the challenges of its implementation, I know it is not easy. I am grateful to Senators Kennedy and Gregg for ensuring we provide the necessary resources to help schools and school districts to make that difficult transition to public school choice.

After 4 years, if a school continues to fail students--if it fails to make adequate progress toward their State's standards--not only are parents provided with the option of public school choice, but that school has to be reconstituted. That school has to be closed, it has to be taken over by the State or by a business interest, or that school has to be turned into a charter school. As a State with a number of charter schools I know that charter schools provide wonderful educational opportunities for children in some of the most disadvantaged communities in America. However, we do not provide much help to charter schools to finance their facilities. We ought to. It is the number one challenge facing charter schools today--preventing new charter schools from opening and preventing successful ones from expanding. With this legislation, we provide some help at the Federal level to assist charter schools in accessing the credit markets and leveraging private capital. We also provide new incentives to encourage States to treat charters like other public schools and provide them with equitable

funding for facilities.

Let me conclude with one last thought. One of our sports heroes, especially this time of year as we play football on Sunday, is a fellow no longer with us, Vince Lombardi. He used to say about football: Unless you are keeping score, you are just practicing.

In Delaware and States across American we have begun to keep score. We set the standards. We measure student progress. We are keeping score. We are trying to figure out what works and provide more money for those things that work. This is a tough-love approach. Sometimes on our side of the aisle we are viewed as just wanting to throw more money at every problem. We are all love. Sometimes those on the other side of the aisle are viewed as just being tough, as not willing to provide the resources that are needed in a loving way.

The beauty of this legislation--and it is not perfect by anyone's judgment--is that it takes the toughness and it mixes it with a measure of love. We commit to investing greater resources on behalf of students in

this country and in return we demand improvement. As a result, we emerge as a full partner with the States and the school districts across our country that are doing a whole lot of wonderful things to raise student achievement.

I am convinced that no piece of Federal legislation will solve all of our problems with respect to schools. We are a minority partner with respect to public education. But with this legislation, and hopefully with the funding that will follow this week in the appropriations bill, we will be a more meaningful partner from Washington, DC, from our Nation's Capital, than we have ever been in the past.

For everyone who has worked hard to get us to this day--Sean Barney, a member of my staff, Danica Petroschius and Michael Meyers of Senator Kennedy's staff, Michele Stockwell and Elizabeth Fay of Senator Lieberman's staff and Senator Bayh's staff respectively, and Denzel McGuire and Townsend McNitt of Senator Gregg's staff--my heartfelt thanks for a job very well done on behalf of all of our students.